

Before the  
**Federal Communications Commission**  
Washington, D. C.

In the matter of:

Digital Audio Broadcasting Systems and	)	
their impact on the terrestrial broadcast	)	
service.	)	
	)	

MM Docket 99-325

**COMMENTS OF REC NETWORKS**

REC Networks is a supporter of locally owned and diverse radio. REC currently operates several Internet only streams including Anime Hardcore Radio 1, Anime Hardcore Radio 2, Anime Hardcore Radio 3, Anime Hardcore Narrowband and Hardcore J. These stations feature primarily Japanese language music programming targeted to an English speaking audience. REC also operates several websites including the original LPFM Channel Search Tool. REC Networks also represents the interests of independently owned Low Power FM ("LPFM") broadcast stations and their listeners.

We have had a chance to review the report from iBiquity as well as the report from the National Association of Broadcasters ("NAB") and the Consumer Electronics Association ("CEA") (collectively, "the reports") regarding the use of In-Band On-Channel ("IBOC") Digital Audio Broadcasting ("DAB") technology on the AM band.

Based on the information in the reports, REC Networks can not support any form of IBOC DAB in the AM broadcast band.

**AM IBOC IS A "PART TIME" SERVICE**

You can not change the laws of physics, and the same goes for IBOC AM. An AM broadcast signal is subject to skywave propagation regardless of the mode. This means that an AM station that broadcast transmitting an IBOC digital signal on it's sidebands at night will be heard in a very limited service area due to interference from other stations. The reports has acknowledged that this is an issue and therefore they have suggested that until more research is done that AM IBOC be provided to stations during daytime hours only.

Many years ago, daytime stations fought for pre-sunrise, post-sunset operating authority then eventually unlimited operations. Very few "daytime only" AM stations exist today and they are not very successful.

With a signal up to 3 times as wide as an analog AM signal and the unpredictable nature of skywave propagation, AM IBOC will destroy nighttime AM service, especially in white areas for AM broadcasts like Pahrump, Nevada, a city that does not have any AM stations during the day.

If the Commission approves AM IBOC, we will be going through the same debacle that we went through with pre-sunrise, post-sunset service authorities. A station permitted to operate their IBOC signal on a post-sunset service authority could have the potential to destroy another station's analog service area. In some areas at some times of the year, the local sunset is during a prime time of the day. If AM IBOC is operated as proposed, the digital signal will be cut off during radio's "prime time".

REC feels that consumers will not tolerate paying for an AM DAB service that goes down at local sunset.

REC is also very concerned that stations close to the borders as well as stations in Puerto Rico and the Virgin Islands and the impact that IBOC signals will have on neighboring countries who choose not to adopt an AM IBOC technology as well as the impact those countries stations will have on the USA if they decide to adopt a different IBOC technology.

### **iBIQUITY'S PROPOSED ROYALTY WILL ADVERSELY AFFECT MINORITY-OWNED STATIONS**

Earlier in the proceeding, we learned that iBiquity was going to license this AM IBOC DAB technology to stations based on their annual regulatory fees. Currently, broadcasters do not have to pay a royalty for the transmission technology they use today. Motorola does not charge stations every year to use their C-QUAM AM Stereo technology. We do not feel that it is right that a station, especially a minority owned station with a much smaller budget be forced to use a specific technology and be forced to pay a royalty to the software manufacturer. If a royalty was charged for the technology of radio communication, the descendants of the Marconi family would be many times richer than Bill Gates.

The royalty concept proposed by iBiquity will force small minority stations out of business and their stations would eventually fall into the hands of Clear Channel, ABC/Disney, Emmis, Bonneville, Cox and Radio One. Of course, these corporations have disclosed that they have a vested interest in iBiquity.

REC feels that the proposed royalty rates by the broadcaster-backed iBiquity is strictly a ploy to drive the remaining independent minority broadcasters out of business and the megacasters like Clear Channel, et al will benefit from the royalty fees paid by these minority stations.

REC feels that any "standard" technology approved by the Commission in the future be required to be "open source", meaning that a broadcaster can choose from who they wish for their transmission equipment. REC believes in broadcast standards but we do not think that a single company should have a monopoly on that technology.

REC questions the legality of the iBiquity royalty scheme if the proprietary iBiquity system is chosen as the standard for DAB.

REC opposes any "standards" using proprietary technology.

## **IBOC "POST-TRANSITION" SERVICE WILL DESTROY AM RADIO TO RURAL AMERICA**

REC is concerned about an eventual transition of the AM band to an entirely digital service. As we have mentioned, our concerns over skywave interference and its impact on receiving AM stations in rural areas would render the nighttime AM service useless.

We also feel that a nighttime all-digital service will cause substantial interference to stations outside the United States who have chosen not to adopt an IBOC standard.

### **THE AM LISTENERS BILL OF RIGHTS**

- Listeners have the right to hear diverse programming day and night.
- Listeners have the right to hear broadcasts free of avoidable interference.
- Listeners have the right to hear broadcasts that do not constantly shift between a digital and analog transmission.
- Listeners have the right to not be forced to purchase new radios in order to continue to listen to AM broadcasts.
- Listeners in rural areas have the right to receive nighttime AM service free of interference from digital sidebands.
- Listeners should be allowed to CHOOSE whether they want to listen to a digital radio service.

### **CONCLUSION**

The AM broadcast service has been around since the 20's as an analog service and was the dominant broadcast service up until about 20 years ago. The broadcast industry caused the downfall of the AM service by removing the distinctive voices on the air and replacing them with syndicated programming. Now the broadcast industry wants to "patch up" the mistakes that led to the downfall of AM by proposing a band-aid solution that only benefits iBiquity and their big broadcast partners who will benefit from the small minority owned stations who are forced to purchase their proprietary technology and pay ongoing royalties.

REC joins the Virginia Center For The Public Press and others in support of an L-Band (Eureka 147) DAB solution in lieu of an IBOC solution, especially for existing AM broadcasters.

Respectfully Submitted,

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